

Judge Phyllis J. Hamilton
Courtroom 3, 17th Floor

Nichole Heuerman, Courtroom Deputy
(415) 522-2023

STANDING ORDER

Criminal Cases

1. CALENDAR

Criminal matters are heard on Wednesdays -- in custody matters at 1:30 p.m. and out of custody matters at 2:30 p.m.

If either party wishes to have a matter placed on the Court's calendar and if the defendant is in custody, counsel must contact the courtroom deputy **by 1:30 p.m., the day before the defendant is to be transported to Court by the U.S. Marshal.**

2. MOTIONS

All motions, except those pertaining to sentencing, shall be filed at least **28** calendar days in advance of the hearing date. Opposition briefs shall be filed at least **14** calendar days in advance of the hearing date. Reply briefs shall be filed at least **7** calendar days in advance of the hearing date.

Motions pertaining to sentencing shall be filed at least **7 calendar days before** the date on which Judgment and Sentencing is scheduled. Responses or objections to motions pertaining to sentencing shall be filed at least **5 calendar days** before the date on which Judgment and Sentencing is scheduled.

A courtesy copy of all briefs shall be delivered to the Clerk's Office, in an envelope clearly marked with the judge's name, case number, and "Chambers Copy."

3. CONFORMITY WITH LOCAL RULES RE: EVIDENTIARY SUBMISSIONS

All motions and oppositions to motions shall comply with Crim. L.R. 47-2(b), which requires that motions "presenting issues of fact . . . be supported by affidavits or declarations which comply with the requirements of Civil L.R. 7-5." Civil L.R. 7-5, in turn, requires that "[f]actual contentions made in support of or in opposition to any motion must be supported by an affidavit or declaration and by appropriate references to the record." Moreover, other evidence in support of or in opposition to any motion "must be

appropriately authenticated by an affidavit or declaration.” That rule further requires that affidavits and declarations contain factual contentions only, avoiding conclusions and legal argument, and “conform as much as possible to the requirements of FRCivP 56(e).”

In accordance with Civil L.R. 7-5, made applicable by Crim. L.R. 47-2(b), any declaration or affidavit that does not comply with these requirements will be stricken.

4. CHANGE OF PLEA

Judge Hamilton does not use an Application for Entry of Plea. However, counsel for the government shall deliver a copy of the Plea Agreement to chambers on the 17th Floor **by 5:00 p.m., the day before the plea is to be entered.** Should the plea not involve a Plea Agreement, counsel for the defendant shall notify the courtroom deputy of the entry of an open plea **by 5:00 p.m., the day before the plea is to be entered.**

5. TRAVEL ORDERS

When a defendant requests permission to travel out of the district and defendant has been released on a bond secured by a surety other than himself, defendant must secure the approval of that surety as well as that of the government and Pretrial Services. A declaration of the surety filed along with the travel request will suffice.

6. EX PARTE RULE 17(c) SUBPOENA REQUESTS

All such requests shall comply with new Crim. L.R. 17-1 and 17-2.

7. E-FILING/CHAMBERS COURTESY COPIES

In all “E-Filing” cases, in addition to filing papers electronically, the parties are required to lodge with chambers one paper copy of each document that is filed electronically no later than noon on the day following the day that the papers are filed electronically. These printed copies shall be marked “Chambers Copy” and **shall be submitted to the Clerk’s Office**, in an envelope clearly marked with the judge’s name, case number, and “Chambers Copy.” Parties shall not file a paper copy of any document with the Clerk’s Office that has already been filed electronically.